

Annual Town Meeting, February 20, 1950

s.	Mos.	Days
3	4	1
10	0	10
33	6	5
36	5	21
36	—	27
31	5	1
33	7	10
36	9	20
91	1	7
75	—	—
74	4	2
88	9	16

The Annual Town Meeting was called to order at 10:00 o'clock by the Town Clerk. Call of the meeting read by the Town Clerk, together with the return of the officer who served the Warrant. Tellers appointed to serve at this meeting were: Charles W. Chase, Daniel Sparrow, Jr., Charles Hollis, James J. Johnston, Jr., and they were duly sworn in by the Town Clerk.

Article 1. To act on the Annual Report, including recommendations of the Selectmen and other Town officers and Committees and see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury, sums of money for the same or take any action relative thereto.

Voted: First to allow Mr. Eugene Zack to use a blackboard to show the effect of appropriations as reflected in the tax rate. Voted to accept the budget as submitted by the heads of departments, Item 27 to read: "To be spent in conjunction with Federal Funds." Total Appropriations \$77,898.05. Unanimous vote.

Budget accepted as follows:

1. Accountant, Salary Expense	\$ 730.00
2. Clerk, Salary	1,220.00
3. Officer, Travel	250.00
4. Selectmen and Assessor Expense	500.00
5. Assessor Abstracts	150.00
6. Finance Committee	10.00
7. Legal Expense	250.00
8. Certification of Notes	10.00
9. Election and Registration	200.00
10. Treasurer, Collector, Clerk Expense	500.00
11. Surety on Bonds	120.00
12. Town Hall	2,000.00

Town of Eastham

FOR THE YEAR

1950

2-20-50

Article 18. To see if the Town will vote to amend Article 11 of Section 1 of the by-laws regulating the construction, re-construction and location of buildings to read: 'if on land of single ownership, they shall not be nearer to each other than 50 ft., except as defined in Section 2', instead of reading "if on land of single ownership they shall not be nearer to each other than 25 ft." as the by-law now reads.

Voted to accept Article 18, Amendment By-law. 82 to 26.

Article 20. To see if the Town will vote to amend the by-law regulating the construction, re-construction and location of buildings by striking out the existing Article 12, Sec. 1, pertaining to chimneys, and accept and insert the following Article 12, Sec. 1, of the Building By-Laws: All chimneys shall consist of masonry construction from the ground. No chimney shall be constructed without fire clay

flue linings continuous from bottom to top in all flues, except that structures solely for commercial or industrial purposes may have approved steel stacks or masonry chimneys with fire brick linings. No smoke pipe or metal flue shall pass through any wooden partitions without a safety thimble of fireproof material, the thimble to extend the full width of the partition, the smoke pipe or flue to be at least four inches from any woodwork.

Voted: To strike out Article 12, Sec. 1 of the Building Code and to insert Article 12, Section 1 as written in Article 20. Unanimous vote.

At the Annual Town Meeting held February 19, 1951, the following amendment to the existing by-laws was voted:

Article 19. To see if the Town will vote to amend the by-laws by inserting the following: "a Board of Appeals shall be established under Section 81R Acts of 1947, Chapter 30." This is in connection with the Planning Board.

Voted: A Board of Appeals shall be established under Section 81 R Acts of 1947.
Affirmative vote 86. Negative vote 1.

ZONING BY-LAWS
as adopted at the
Annual Town Meeting
February 18, 1952
and amended to date

DEFINITION: For the purpose of this By-Law certain words and phrases are defined as follows:

(a) A cottage is a unit containing more than 500 sq. ft. of floor area, exclusive of porches, designed for renting by the month or season. Such units must contain at least two bedrooms, a living room, kitchen, a bath or toilet room, or any reasonable similar combination of rooms.

(b) A cabin is a unit containing not less than 150 sq. ft. of floor area, exclusive of porches, designed for renting by the day or week.

(c) Temporary signs. All signs such as "For Sale", "For Rent" and contractor's and builder's signs, used during the process of construction and remodeling, shall be classified as temporary signs.

SECTION I

The purpose of this By-Law is to promote the health, safety and general welfare of the inhabitants of the Town of Eastham, by dividing the Town into districts with a view towards conserving the best qualities of the Town as they now exist.

SECTION II

DISTRICTS: In accordance with Chapter 40, General Laws, Section 25-30B, and any amendments thereto:

The Town of Eastham is hereby divided into four types of districts as follows:

- (a) Residential and Agricultural, District A.
- (b) Residential and General Farming, District B.
- (c) Commercial, Districts C and D.
- (d) Permissive Use.

Said Districts are located as shown on the Eastham Zoning Map, dated February 14, 1952 and amended February 17, 1958, hereby made a part thereof, and a copy of which is filed with the Town Clerk.

SECTION III

In District A, premises and (or) buildings may be used for the following purposes only:

1. One family dwellings, not to exceed two stories in height, adapted to human habitation. (This use does not include tents, trailers, quonset huts or portable buildings, except upon a temporary permit issued specifically therefor by the Board of Selectmen.)
2. Renting of Cottages.
3. Accessory Buildings and shelters for the uses of the resident occupants of such dwellings for garaging their own motor vehicles, stock and equipment, and only so long as not injurious, noxious or offensive to the neighborhood.
4. Churches, schools, municipal buildings, and all properties, building and structures of the municipal state, and federal governments.
5. Private Clubs: except a club, the chief activity of which is a service customarily carried on as a business.
6. Municipal recreation use.
7. Customary home occupations such as: dress-making, letting of rooms, taking of boarders, hand laundries, or the practice of a lawful profession, all such undertakings to be conducted by a resident occupant.
8. Any incidental activity related to his trade conducted by a craftsman or mechanic provided such activity does not involve substantially continuous operations or employment and is not injurious, noxious or offensive to the neighborhood.
9. Agricultural farming, gardening, nursery or greenhouse business and sale of produce or fish grown or processed by the resident occupants only and only so long as it is not injurious, noxious or offensive to the

neighborhood.

10. The display of not more than two signs on resident occupants premises which shall pertain to the occupation of said occupant or to the use of such property as herein above authorized which shall have a total area of not more than 12 sq. ft.

(a) Temporary signs shall be permitted at the discretion of the owner and he may remove such signs at pleasure without notice.

11. Food and non-alcoholic beverages, refreshment booths or stores, if adjacent to any town landing, upon permit by the Board of Selectmen.

12. The keeping of livestock and poultry is restricted to non-commercial family use of the resident occupant only and only so long as it is not injurious, noxious or offensive to the neighborhood.

13. Funeral Homes.

14. Hospitals, Sanitariums and Rest Homes.

15. Boys' and Girls' Camps.

SECTION IV

In District B premises and (or) buildings may be used for the following purposes only:

1. Any use designated or authorized in and for District A.
2. General farming and poultry raising with the exception of piggeries and the raising of mink and (or) fox and only so long as it is not injurious, noxious or offensive to the neighborhood.
3. Laboratory for research on moles, fish, birds and wildlife, and other similar scientific research, and all necessary activities relating thereto, so long as not injurious, noxious or offensive to the neighborhood.
4. Docks, wharves, fish and shellfish business, party boat business, renting or row boats, motor boats, sail boats, and fishing gear, and sale of fish bait, also boat

storage, boat repairs, boat building, marine railway, and activities reasonably necessary and related thereto.

5. Cabin Rentals.

6. Public amusement area upon permit by the Board of Appeals upon an appeal to such Board, but only so conducted and managed in a manner not injurious, noxious or offensive to the neighborhood.

7. Cottage rental units on a single parcel of land, provided that the land allocable to the first building, whether dwelling or rental, shall contain an area of not less than 20,000 sq. ft. The land allocable to subsequent rental units shall contain an area of not less than 10,000 sq. ft. per unit. Cottage rental units hereunder shall remain as a single unit and may be sold only as such. Sealed site plans of cottage rental units shall be filed with the Building Inspector prior to issue of a building permit showing service drives and allocating 100 ft. frontage to the land for each rental unit.

SECTION V

Districts C and D: In Districts C and D premises and (or) buildings may be used for the following purposes only.

1. Any use designated or authorized in and for Districts A and B.

2. Stores, restaurants, filling stations, garages, repair shops, paint shops, antique businesses, furniture shops, manufacturing of house framing, cabinets, furniture, and like products.

3. Buildings, structures, and premises may be used for any of the above lawful businesses and services, except junkyards, and in addition, for public utilities and for any industry or manufacturing if authorized by the Board of Appeals subject to appropriate conditions and safeguards.

4. In District C and D business buildings shall have a minimum set back of 100 ft. from the nearest street or highway sideline.

SECTION V-A

1. The following uses are allowed in the "Permissive Use" area, provided said use or uses are not injurious, noxious or offensive to the neighborhood, and only if authorized by the Board of Appeals.

- (a) Hotels, Motels or Inns.
- (b) Gift or Craft Shops.
- (c) Bank and Professional Buildings.

2. A minimum 100 ft. set-back from the sidelines of the street or highway in the "Permissive Use" area is required.

SECTION VI

1. Lot size: In Districts A and B no dwelling or business building shall be built on a lot with a frontage on an accepted way of less than 135 ft., nor with an area of less than 20,000 sq. ft.; or as specified in Section IV, Par. 7; except that these requirements shall not apply to individual parcels of land now in single ownership by deeds of records in Barnstable County Registry of Deeds which do not meet these requirements; however, buildings erected on such lots shall comply with the 'Town Building Code By-Laws' accepted at the Annual Town Meeting Feb. 16, 1948, and Approved by the Attorney General April 30, 1948, or any amendments thereto. Districts C and D uses shall not be extended back from the nearest accepted town roadway boundary line more than 500 ft., except that on the Easterly side of Said Taking of District D shall extend to the Westerly sidelines of the Old Colony Railroad land; except upon approval of the Board of Appeals upon an appeal thereto.

SECTION VII

Non-conforming uses: Any non-conforming building, structure or use, existing upon the effective date of this By-Law may be continued, rebuilt if damaged or destroyed, and upon appeal to the Board of Appeals may be enlarged or changed if no more objectionable to the neighborhood than the said existing use.

SECTION VIII

1. ADMINISTRATION.

(a) **BOARD of APPEALS.** There shall be a Board of Appeals consisting of five members, and two associates, all to be appointed by the Board of Selectmen, with the powers as provided in General Laws, Chapter 40, Section 30, which shall act on all matters within its jurisdiction under this By-Law in the manner prescribed in said Chapter of the General Laws.

(b) **ENFORCEMENT.** This By-Law shall be enforced by or under the direction of the Board of Selectmen, who may delegate ministerial duties hereunder. The Board of Selectmen may resort to Courts for injunctions or other appropriate remedies.

(c) **PENALTIES.** The penalty for violation of any provision hereof shall be a fine of not more than \$20 for each offense.

SECTION IX

1. **VALIDITY:** The invalidity of any sentence, provision, or section of this By-Law shall not be construed to invalidate any other part hereof.

2. **AMENDMENTS:** This By-Law may be altered, repealed, or amended in accordance with the law.

Accepted at Annual Town Meeting Feb. 18, 1952. Approved by Attorney General July 1, 1952.

Ammendments approved by Attorney General Feb. 24, 1958.

Description of "Permissive Use" area: From the Orleans-Eastham town line to the Eastham-Wellfleet town line along Route #6, to a depth of 500 ft. on each side of the highway taking, however, the area shall extend Easterly to the Westerly side line of the Old Colony Railroad land North of the intersection of said Railroad and the Highway.

Subdivision

Regulations

should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Such information will include major site features such as existing stone walls, fences, buildings, large trees, rock ridges, and outcroppings, swamps and water bodies and existing topography as required, together with the information required for the Definitive Plan (Section III-B-2 items "a" to "d" inclusive.) During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section III-B-2 Contents) will be developed.

3. Tentative Approval.

The Planning Board may give such Preliminary Plan its tentative approval, with or without modification. Such tentative approval does not constitute approval of a subdivision, but does facilitate the procedure in securing final approval of the Definitive Plan.

B. Definitive Plan

1. General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(a) An original drawing of the Definitive Plan and two contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.

(b) A properly executed Application Form (to be secured from Town Clerk.)

(c) A deposit of \$5.00 to cover the cost of advertising and notices.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed Application Form.

2. Contents.

The Definitive Plan shall be prepared by an engineer or surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be at a scale of one inch equals forty feet or such other scale as the Board may accept, to show details clearly and adequately. Sheet size shall preferably not exceed 24" by 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information.

(a) Subdivision name, boundaries, north point, date and scale.

(b) Name and address of record owner, subdivider and engineer or surveyor.

(c) Names and addresses of all abutters as they appear in the most recent tax list.

(d) Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision.

(e) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. All bearings to be referred to Massachusetts prime meridian, when applicable, or to that of adjacent defined streets.

(f) Location of all permanent monuments properly identified as to whether existing or proposed.

(g) Location, names and present widths of streets bounding, or approaching or within reasonable proximity of the subdivision.

(h) Suitable space to record the action of the Board and the signatures of the members of the Board (or officially authorized person).

(i) Existing and proposed topography at a suitable contour interval as required by the Board.

(j) All surveys to be made with accuracy resulting in a minimum error of closure 1 to 10,000.

3. Review by board of Health as to Suitability of the Land.

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(c) Names and addresses of all abutters as they appear in the most recent tax list.

(d) Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision.

(e) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. All bearings to be referred to Massachusetts prime meridian, when applicable, or to that of adjacent defined streets.

(f) Location of all permanent monuments properly identified as to whether existing or proposed.

(g) Location, names and present widths of streets bounding, or approaching or within reasonable proximity of the subdivision.

(h) Suitable space to record the action of the Board and the signatures of the members of the Board (or officially authorized person).

(i) Existing and proposed topography at a suitable contour interval as required by the Board.

(j) All surveys to be made with accuracy resulting in a minimum error of closure 1 to 10,000.

3. Review by board of Health as to Suitability of the Land.

The Planning Board shall within ten days after submission of a plan to it consult with the Board of Health. If the Board of Health is in doubt as to whether any of the land in the subdivision can be used as building sites without injury to the public health, it shall so notify the Planning Board in writing within thirty days. Any approval of the plan by the Planning Board shall then only be given on condition that the lots of land as to which such doubt exists shall not be built upon without the prior consent of the Board of Health, and shall endorse on the plan such conditions, specifying the lots of land to which said condition applies.

4. Public Hearing.

Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Board at the expense of the applicant at least ten days prior thereto by advertisement in an official publication of, or in a newspaper of general circulation in the Town. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

5. Certificate of Approval.

The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of the majority of the Board (or by the signature of the person officially authorized by the Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with two (2) prints thereof. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

SECTION IV. Design Standards

(a) The Board shall require a minimum lot frontage of 135 ft. with a minimum lot area of 20,000 sq. ft., in accordance with Eastham Zoning By-Law 1952.

(b) The minimum width of street right-of-ways shall be 40 ft.

(c) Property lines at street intersection shall be rounded to provide for a curb radius of not less than 20 feet.

(d) Dead end streets shall be provided at the closed end with a turnaround having a property line diameter of at least 90 ft.

(e) All streets in the subdivision shall be continuous wherever practicable.

(f) Provisions satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property not yet subdivided.

(g) Grades of all streets shall be the reasonable minimum but shall not be more than 10 percent except for short distances.

(h) A sufficient number of permanent monuments of reinforced concrete or stone shall be required to readily reproduce the subdivision on the ground. These monuments shall be at least 5" by 5" in cross-section and 32" in length.

SECTION V. Administration

A. Variation

Strict compliance with the requirements of these rules and regulations may be waived when in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

B. Reference

For matters not covered by these rules and regulations, reference is made to Section 81-K to 18-GG, inclusive, of Chapter 41 of the General Laws.

DISPOSAL of SEWAGE

SECTION I

Every place of human habitation shall have available a sanitary method for the disposal of all human excreta which shall meet with the approval of this Board of Health, its agents or inspectors.

SECTION II

Wherever a water carriage system is available, final disposal of these waters shall be made by means of one or other of the following methods:

(a) Connection with a public sewerage system where such system is available and connection with the same is required by a regulation of this Board. (General Laws, Chapter 83, Section 11).

(b) A cesspool constructed in such a manner as hereinafter provided.

(c) A septic tank constructed in such a manner as hereinafter provided.

(d) Such other method as shall be approved by this Board.

SECTION III

All cesspools hereafter constructed shall be of approved material and unless otherwise specified by the Board of Health shall be located not less than twenty (20) feet from any dwelling, not less than five (5) feet from the line of any street, court or passageway, not less than five (5) feet from the line of adjoining lot, all measurements being taken from the nearest outer circumference. Cesspools shall not be less than six (6) feet in depth measuring from the lower rim of the inlet pipe, not less than six feet in diameter (inside

measurements at the point of drawing in) and shall be provided with an iron or tight cover and rim laid in cement.

SECTION IV

All septic tanks hereafter installed shall be of approved construction, and shall have a minimum capacity of 500 gallons. The effluent of such septic tanks shall be disposed of by means of: (a) A cesspool properly constructed; or (b) A subsoil drainage system laid out in a manner which shall meet the approval of this board.

SECTION V

In the absence of a water carriage system disposal of human excreta shall be by means of a sanitary privy. All privies shall be of approved material and shall be so constructed as to prevent the access of flies to excreta or the deposit of the same on the surface of the ground. Unless otherwise specified by the Board of Health such privy shall be located not less than twenty (20) feet from the nearest dwelling, not less than twenty (20) feet from line of adjoining lot and not less than twenty (20) feet from any street, court or passageway, all measurements being taken from nearest outer point of the privy building. No permanent privy shall hereafter be constructed or maintained on premises which are provided with a public water supply.

SECTION VI

Unless otherwise specified by the Board of Health, all cesspools, septic tank disposal fields, privies or other sewage disposal methods hereafter constructed and all wells and springs hereafter installed shall be so located that a distance of not less than fifty (50) feet shall intervene between any well or spring and any cesspool, septic tank disposal field or privy. The distance shall be

measured from the well or spring to the nearest outer point of such cesspool, disposal field or privy. All pipe lines used for the purpose of conveying sewage or house draining shall, where within fifty (50) feet of any well or spring, be constructed of cast iron pipe with leaded joints or in such other manner as to be permanently water tight. The use of clay or terra cotta pipes with cement joints will not be approved.

SECTION VII

In the absence of other water carriage disposal, the drainage from kitchen sinks, laundry tubs, etc, shall be disposed of in a cesspool or dry well so constructed as to meet with the approval of this Board of Health.

SECTION VIII

Whenever a cesspool, septic tank, privy or drain becomes offensive or obstructed, the owner, agent and (or) occupant of the premises shall cause same to be cleaned or otherwise corrected.

SECTION IX

No cesspool, septic tank, privy or other means of sewage disposal shall hereafter be constructed or installed in this town until a permit has been obtained from the Board of Health.

SECTION X

Temporary privies for the convenience of contractors and their employees may be erected or installed without a permit but only under the following conditions: The vault must be at least two (2) feet in depth and must be so located as to cause no annoyance to persons residing in the vicinity. The owner, contractor or agent shall cause the contents thereof to be treated in a sanitary manner and immediately upon the completion of the contract the contractor shall remove the privy fill in the vault and leave the premises in a condition satisfactory to the Board of Health.

SECTION XI

All holders of permits granted by this Board of Health, under Chapter III, Section 31-A of the General Laws as amended for the removal and transport of contents of cesspools, septic tanks or privy vaults shall provide themselves with a water tight tank truck or vehicle to be used for this purpose. Dumping or final disposal of the contents of tank trucks or other vehicles shall be at such a place and in such a manner as provided by this Board of Health. This section shall not be construed as preventing the dumping of such material on the land but when such a method is practiced all material shall within twenty-four (24) hours of the time of dumping, be covered with earth or soil to a depth of at least eight (8) inches.

SECTION XII

Repeal and Date of Effect

All regulations and parts of regulations in conflict with this regulation are hereby repealed and this regulation shall be in full force and effect immediately upon its adoption and publication as provided by law (Section 31 of Chapter III, General Laws).

SECTION XIII

Unconstitutionality Clause

Should any section, paragraph, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of the said regulation shall not be affected thereby.

Adopted April 18, 1955.

Bernard C. Collins
Maurice W. Wiley
Luther P. Smith

Rules and Regulations

of the

Eastham Zoning

Board of Appeals

1. Meetings and hearings of the Board will be held on Wednesday evenings at the call of the Chairman.

2. Associate members of the Board will, whenever practical, meet with the Board at all hearings and meetings. The associate members in attendance at any hearing shall sit with the regular members, but the vote of only five (5) members assigned by the Chairman to hear a particular case will affect that case, although the other votes will be recorded.

3. In the event of the inability of the Chairman to meet with the Board at any particular meeting or hearing, he shall appoint an Acting Chairman for that meeting, who shall exercise all the powers of the Chairman.

4. A Stenographer, who shall also be the Clerk of the Board, shall be in attendance at all hearings held by the Board, and at such special meetings as the Chairman will deem necessary.

5. A four-fifths favorable vote of the assigned members to hear a particular case shall be required for an affirmative decision by the Board, as prescribed by Chapter 40A of the General Laws (ter.ed) as amended.

6. All hearings of the Board shall be open to the public.

7. The Board shall hold its hearings on a Wednesday evening within thirty (30) days of the receipt by the Chairman of the Board, of an approved written petition for any matter falling within the Board's jurisdiction.

8. Public notices of all hearings shall be given fifteen (15) days at least prior to the date set therefor in an official newspaper or publication of general circulation within the County of Barnstable by direction of the Chairman, who shall also send notice by certified mail, postage prepaid, fourteen (14) days at least prior to said hearing to the petitioner, and property owners adjacent to the petitioner's land so deemed by the Chairman to be affected thereby, as they appear on the most recent real estate tax list. Notice shall also be given to the Board of Selectmen, Town Clerk, Planning Board and Building Inspector.

9. The Petitioner shall, at the discretion of the Board, submit satisfactory indicia of ownership or occupancy of the land on which a decision of the Board would apply.

10. The Board shall cause to be made a detailed record of its proceedings, and official actions, a copy of which shall be filed with the Town Clerk and become a public record, and notice of decision, signed by the Clerk shall be mailed forthwith to parties in interest.

11. The Board shall take a view of sites and buildings involved in cases which are to come before it whenever and wherever it is deemed necessary.

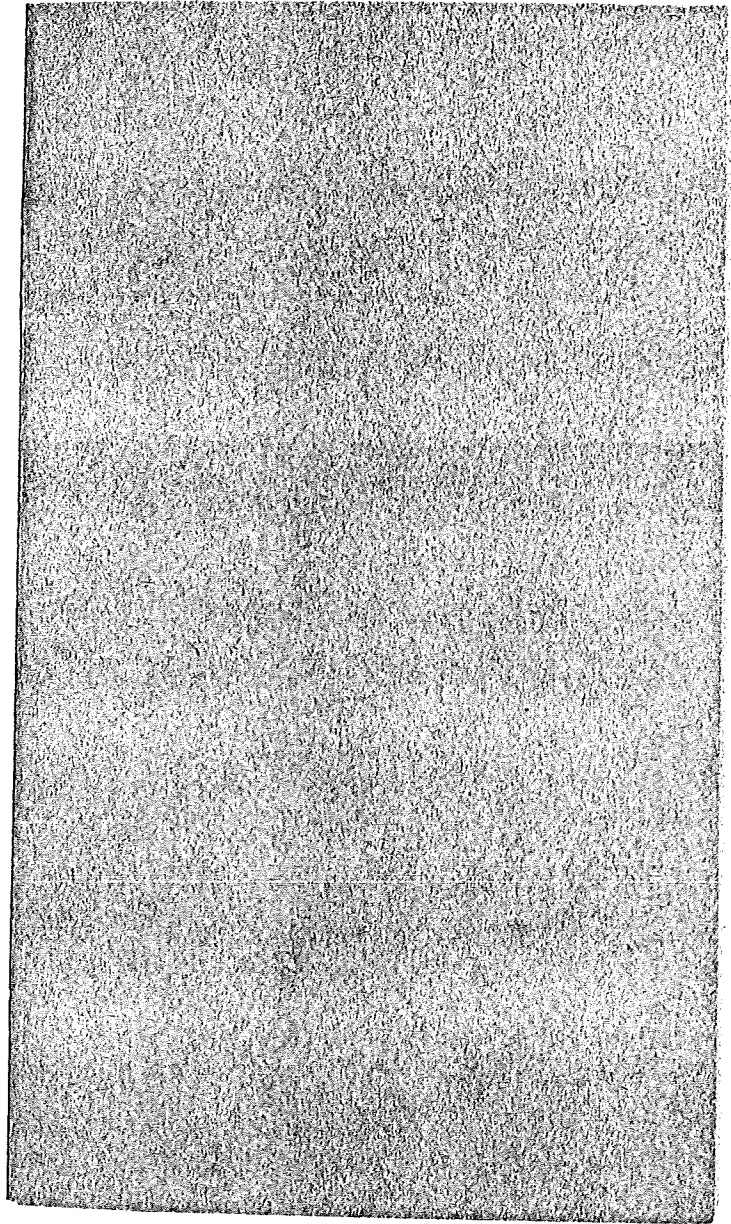
12. The Board shall require the submission of plans, to properly engineered scale, from the office of established architects and land surveyors, civil engineers, or their equivalent. These plans shall be 8 and one-half inches by 11", 9 and one-half inches by 14", 16" x 21", 18" x 24", 24" x 36", and if larger, in multiples thereof. The Board shall require an elevation drawing of proposed construction or alterations, and when presented to the Board, the drawing shall also include the specifications to be used in said construction. These requirements may be waived in the event of alterations and additions to existing residential buildings.

13. The appellant in any appeal case shall submit an approved application form in quadruplicate, each sheet to be filled out completely and the same signed and sent or presented in person to the Chairman of the Board. These forms are on file at the Town Offices.

14. Every affirmative decision of the Board shall contain the following:

"This variance is granted to the petitioner only and does not run with the property and may be withdrawn if not conducted in proper form as determined by the Board of Appeals, and any construction allowed does not commence within one (1) year. Substantial completion of the construction allowed must be reached within a reasonable time as determined by the Board after commencement of said construction."

15. The Board shall make such other rules and regulations, from time to time, as it shall deem necessary and proper for the carrying out of its functions under the Zoning By-Laws; said rules and regulations to be on file with the Town Clerk.



ZONING BY-LAWS
as adopted at the
ANNUAL TOWN MEETING
February 18, 1952
and amended to date

DEFINITIONS: For the purpose of this By-Law, certain words and phrases are defined as follows:

(a) One family dwelling; a structure containing not less than 500 square feet of floor area on at least one floor, exclusive of porches, sun decks, patios, raised terraces or similar items, and containing a kitchen; a bathroom containing a toilet, a lavatory, a tub and/or shower; a living room and a bedroom or any reasonably similar combination of rooms.

(b) Duplex dwellings: a structure containing not less than 1,000 square feet of floor area under a common or connected series of roofs and containing in each dwelling all the requirements for a one family dwelling.

(c) Rental units: Cottage: a structure containing not less than 500 square feet of floor area on at least one floor, exclusive of porches, sun decks, patios, raised terraces or similar items and containing at least one bedroom, a living room, a kitchen, a bath or toilet room or any reasonably similar combination of rooms.

Cabin: a structure containing not less than 150 square feet of floor area, nor more than 499 square feet, exclusive of porches, sun decks, patios, raised terraces or similar items, and containing sleeping, living and toilet facilities but not including any kitchen or cooking facilities.

(d) Residential and Agriculture-District A: All property east of the right-of-way of what is now or formerly known as the old Colony Railroad except District D. (refer to Zoning Map)

(e) Residential and General Farming, District B: All property west of the right-of-way of what is now or formerly known as the Old Colony Railroad except District D. (refer to Zoning Map).

(f) Public Amusements: Any type of indoor or outdoor amusement requiring the issuance of a license by the Board of Selectmen, or sporting activities at which admission is charged.

(g) Special permit granting authority: shall be the Board of Appeal unless specifically designated in any section of these By-laws to another authorized Board or Agency as allowed under Chapter 808 of the Acts of 1975 as amended.

(h) Zoning Map: Map entitled "Zoning Map, Eastham, Massachusetts revised April 28, 1960" compiled by Schofield Brothers, Civil Engineers and Land Surveyors, a copy of which is on file with the Town Clerk's office and adopted at the Annual Town Meeting, May 1, 1978.

SECTION I

The purpose of this By-law is to promote the health, safety and general welfare of the inhabitants of the Town of Eastham, by dividing the Town into districts with a view towards conserving the best qualities of the Town as they now exist.

SECTION II

DISTRICTS: In accordance with Chapter 40, General Laws, Section 25-30B, and any amendments thereto:

The Town of Eastham is hereby divided into districts as follows:

- (a) Residential and Agriculture, District A.
- (b) Residential and General Farming, District B.
- (c) Commercial, Districts C and D.
- (d) Permissive Use.
- (e) Seashore District.

Description of "Permissive Use" area:

"On the westerly side of Route 6- from the northerly boundary of the Evergreen Cemetery so-called, to the southerly boundary of Commercial District D, and then from the northerly boundary of said Commercial District D to the Eastham-Wellfleet town line, to a depth of 500 feet from the westerly sideline of the highway taking.

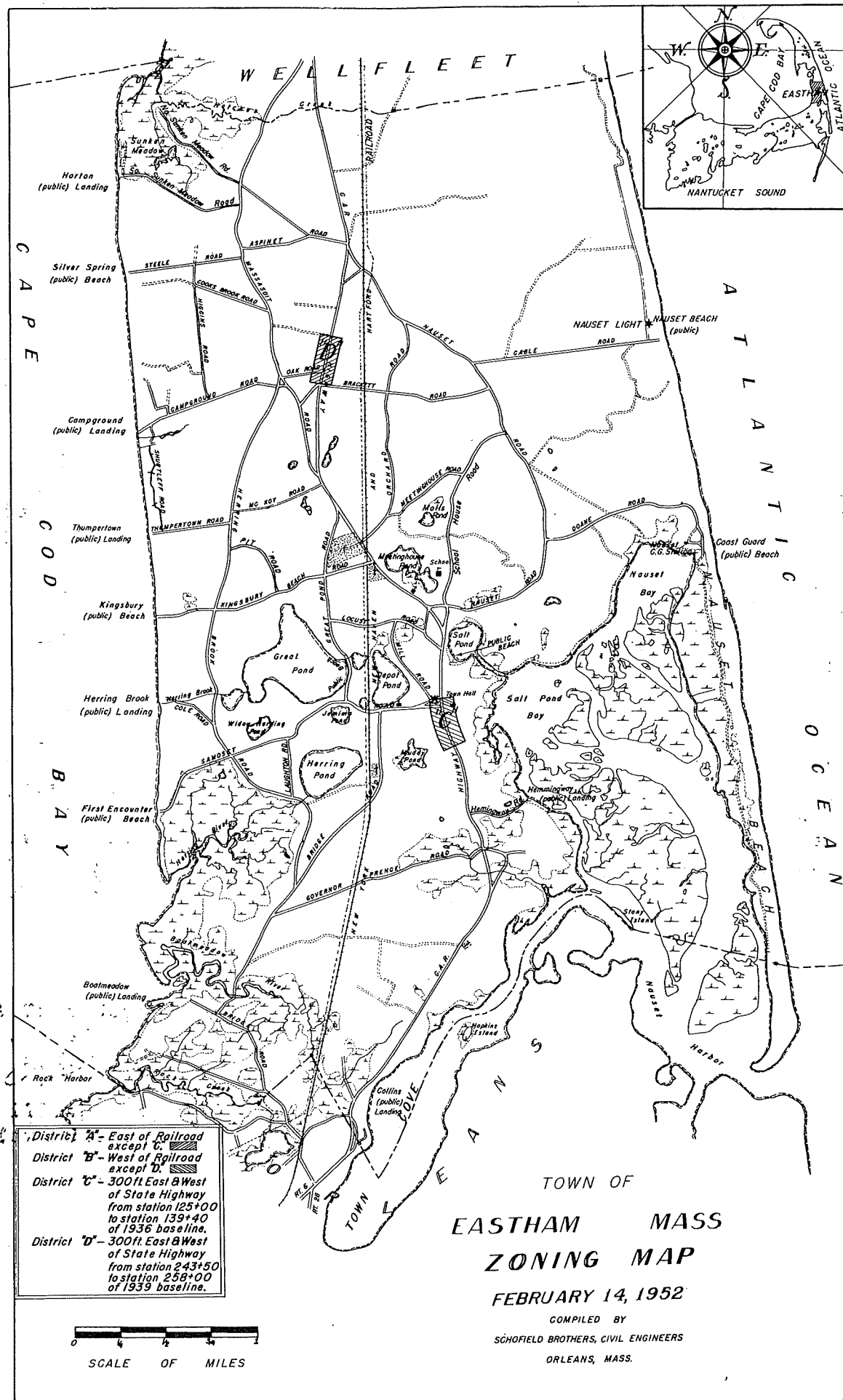
On the easterly side of Route 6: From the intersection of the easterly sideline of Route 6 and the right-of-way of what is now or formerly known as the Old Colony Railroad to the southerly boundary of Commercial District D to the Eastham-Wellfleet town line, extending in depth from the easterly side line of the highway taking to the westerly sideline of the right-of-way of what is now or formerly known as the "Old Colony Railroad,"

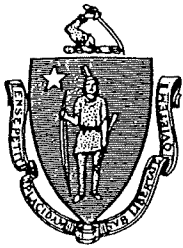
SECTION III

In District A, premises and (or) buildings may be used for the following purposes only:

1. One family dwellings, and duplex dwellings, not to exceed two stories in height, adapted to human habitation. (Use of the following structures or units for human habitation is prohibited except upon issuance of a temporary permit by the Building Inspector under conditions hereafter specified: Tents, House Trailers, Campers, Quonset Huts, Portable or Semi-portable buildings, or similar structures whether equipped with wheels or not, Houseboats, or equivalents on fresh water.)

Temporary Permit: The Building Inspector may issue a permit for temporary use of any of the prohibited items for use during the period of construction of a dwelling or cottage. This permit shall not be valid for over six months and shall not be renewable. All applicable regulations as to setback from lot lines must be complied with in location of any of these items. Sanitary facilities must receive approval from the Board of Health. All such items must be located on the lot on which construction is being done and must be removed prior to the granting of a Certificate of Occupancy for the permanent structure.





The Commonwealth of Massachusetts

Department of the Attorney General

State House, Boston 33

Francis E. Kelly

Attorney General

July 2, 1952

L. Isabelle Brackett, Town Clerk
Town of Eastham
Massachusetts

Dear Madam:

I return herewith zoning by-law adopted by the Town of Eastham on February 18, 1952, together with zoning map, with the approval of Attorney General Francis E. Kelly noted thereon.

Very truly yours,

A handwritten signature in cursive script, reading "William F. Marcella".

WILLIAM F. MARCELLA

WFM:emg

Enclosures

Zoning By-Law of the Town of Eastham 1952

DEFINITIONS

For the purposes of this By-Law certain words and phrases are defined as follows:

(a) A cottage is a unit containing more than 400 sq. ft. of floor area, exclusive of porches, designed for renting by the month or season. Such units must contain at least two bedrooms, a living room, a kitchen and a bath or toilet room, or any reasonable similar combination of rooms.

(b) A cabin is a unit containing not less than 150 sq. ft. of floor area, exclusive of porches, designed for renting by the day or week.

(c) Temporary Signs: All signs such as "For Sale," "For Rent" and contractors' and builders' signs used during the process of construction and remodeling, shall be classified as temporary signs.

SECTION I

The purpose of this By-Law is to promote the health, safety, and general welfare of the inhabitants of the Town of Eastham by dividing the town into districts with a view towards conserving the best qualities of the town as they now exist.

SECTION II

Districts: In accordance with Chapter 40, General Laws, Section 25-30B and any amendments thereto: the Town of Eastham is hereby divided into three types of districts as follows:

- (a) Residential and Agricultural, District A.
- (b) Residential and General Farming, District B.
- (c) Commercial, Districts C and D.

Said districts are located as shown on the Eastham Zoning Map, dated February 14, 1952, hereby made a part hereof and a copy of which is filed with the Town Clerk.

SECTION III

In District A premises and/or buildings may be used for the following purposes only:

1. One-family dwellings, not to exceed two stories in height, adapted to human habitation.

2. Renting of cottages.

3. Accessory buildings and shelters for use of the resident occupants of such dwellings for garaging their own motor vehicles, stock and equipment, and only so long as not injurious, noxious or offensive to the neighborhood.

4. Churches, schools, municipal buildings, and all properties, buildings and structures of the municipal, state, and federal governments.

5. Private clubs; except a club, the chief activity of which is a service customarily carried on as a business.

6. Municipal recreation use.

7. Customary home occupations such as: dressmaking, letting of rooms, taking of boarders, hand laundries, or the practice of a lawful profession, all such undertakings to be conducted by a resident occupant.

8. Any incidental activity related to his trade conducted by a craftsman or mechanic provided such activity does not involve substantially continuous operations or employment and is not injurious, noxious or offensive to the neighborhood.

9. Agricultural farming, gardening, nursery or greenhouse business and sale of produce or fish grown or processed by the resident occupants only and only so long as it is not injurious, noxious or offensive to the neighborhood.

10. The display of not more than two signs on resident occupant's premises which shall pertain to the occupation of said occupant or to the use of such property as herein above authorized which shall have a total area of not more than twelve square feet.

(a) Temporary signs shall be permitted at the discretion of the owner and he may remove such signs at pleasure without notice.

11. Food and non-alcoholic beverage refreshment booths or stores, if adjacent to any town landing, upon permit by the Board of Selectmen.

12. The keeping of livestock and poultry is restricted to non-commercial family use of the resident occupant only and

only so long as it is not injurious, noxious or offensive to the neighborhood.

13. Funeral Homes.

SECTION IV

In District B premises and/or buildings may be used for the following purposes only:

1. Any use designated or authorized in and for District A.
2. General farming and poultry raising, with the exception of piggeries and the raising of mink and/or fox, and only so long as it is not injurious, noxious or offensive to the neighborhood.
3. Laboratory for research on moulds, fish, birds, and wild life, and other similar scientific research, and all necessary activities relating thereto, so long as not injurious, noxious or offensive to the neighborhood.
4. Docks, wharves, fish and shell-fish business, party boat business, renting of row boats, motor boats, sail boats and fishing gear, and sale of fish bait, also boat storage, boat repairs, boat building, marine railway, and activities reasonably necessary and related thereto.
5. Cabin rentals.
6. Public amusement area upon permit by the Board of Appeals upon an appeal to such Board, but only so long as conducted and managed in a manner not injurious, noxious or offensive to the neighborhood.

SECTION V

Districts C and D: In Districts C and D premises and/or buildings may be used for the following purposes only:

1. Any use designated or authorized in and for Districts A and B.
2. Stores, restaurants, filling stations, garages, repair shops, paint shops, antique businesses, furniture shops, manufacturing of house framing, cabinets, furniture, and like products.
3. Buildings, structures, and premises may be used for

any of the above lawful businesses and services, except junkyards, and in addition, for public utilities and for any industry or manufacturing if authorized by the Board of Appeals subject to appropriate conditions and safeguards.

SECTION VI

1. Lot size: In all districts, no dwelling or business building shall be built on a lot with a frontage on an accepted town way of less than 135 feet, nor with an area of less than 20,000 square feet; except that these requirements shall not apply to individual parcels of land now in single ownership by deeds of record in Barnstable County Registry of Deeds which do not meet these requirements; however, buildings erected on such lots shall comply with the "Town Building Code By-Laws" accepted at the Annual Town Meeting Feb. 16, 1948, and approved by the Attorney General April 30, 1948, or any amendments thereto. Districts C and D uses shall not be extended back from the nearest accepted town roadway boundary line more than 300 feet, except upon approval of the Board of Appeals upon an appeal thereto.

SECTION VII

1. Non-conforming uses: Any non-conforming building, structure or use, existing upon the effective date of this By-Law may be continued, rebuilt if damaged or destroyed, and upon appeal to the Board of Appeals may be enlarged or changed if no more objectionable to the neighborhood than the said existing use.

SECTION VIII

1. Administration:

(a) BOARD OF APPEALS. There shall be a Board of Appeals consisting of three members, and two associates, all to be appointed by the Board of Selectmen, with the powers as provided in General Laws, Chapter 40, Section 30, which shall act on all matters within its jurisdiction under this By-Law in the manner prescribed in said chapter of the General Laws.

(b) ENFORCEMENT. This By-Law shall be enforced by or under the direction of the Board of Selectmen, who may delegate ministerial duties hereunder. The Board of Selectmen may resort to Courts for injunctions or other appropriate remedies.

(c) PENALTIES. The penalty for violation of any provision hereof shall be a fine of not more than \$20 per day for each offense. Said penalty shall remain in effect until such time as the By-Law is complied with.

SECTION IX

1. VALIDITY: The invalidity of any sentence, provision, or section of this By-Law shall not be construed to invalidate any other part hereof.

2. AMENDMENT: This By-Law may be altered, repealed, or amended in accordance with the law.

